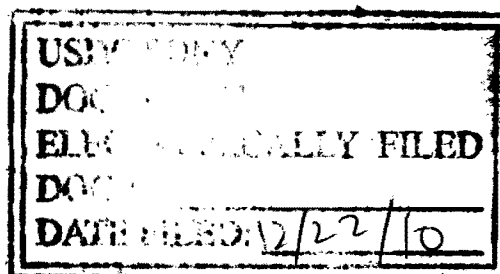


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



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**ORDER GRANTING REQUEST  
TO COMPEL DISCOVERY AND  
ALLOW MOTIONS TO DISMISS**

21 MC 102 (AKH)

ALVIN K. HELLERSTEIN, U.S.D.J.:

By letter dated December 17, 2010, Defendants' liaison counsel ask me to lift the current stay on all motions in this Master Calendar, to aid compliance with longstanding discovery obligations still unfulfilled by Plaintiffs' liaison counsel. Defendants' liaison counsel seek (i) permission to move to dismiss the complaints of Plaintiffs for whom "core" discovery as defined in Case Management Order No. 6 ("CMO No. 6) still has not been provided, and (ii) an order compelling Plaintiffs' liaison counsel to provide the discovery required by my Order of June 30, 2010. Plaintiffs' liaison counsel oppose the request, arguing that the jurisdiction of this Court should be tested before requiring compliance with these obligations and also noting that they are presently working to fulfill other obligations in this Master Calendar.

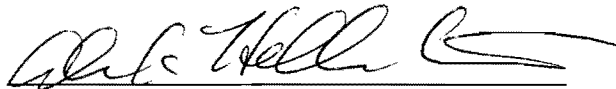
Plaintiffs' liaison counsel have failed to comply with two basic discovery orders. First, in CMO No. 6, I directed all Plaintiffs to provide, by October 31, 2008, basic medical information relevant to the claim of injuries suffered. See Case Mgmt. Order No. 6, Doc. No. 2376, 21 MC 102 (S.D.N.Y. May 6, 2008). Second, in my Order of June 30, 2010, I directed all Plaintiffs to produce a broader array of discovery, including "the estimated hours and/or days that each individual plaintiff worked at each building location." Amended Order, Doc. No. 3812, 21 MC 102 (S.D.N.Y. July 1, 2010). As of today, December 22, 2010, Plaintiffs' liaison counsel have failed to provide the information required by CMO No. 6 for thirty-seven of their

clients, and have failed entirely to comply with my order of June 30, 2010. This delay is inexcusable.

Plaintiffs' liaison counsel have impeded, and continue to impede, the settlement efforts of every other party to these lawsuits, for the basic data that Plaintiffs' liaison counsel choose not to produce prevents a proper evaluation of the entire set of cases. Plaintiffs' liaison counsel have also impeded trial preparations, for the withheld information is critical to these cases regardless of the forum. Therefore, by January 14, 2011, Plaintiffs' liaison counsel shall satisfy all outstanding discovery obligations, including those required by CMO No. 6 and my Order of June 30, 2010. If Plaintiffs' liaison counsel fail to satisfy their obligations by this date, Defendants' liaison counsel may move to dismiss the complaints of any Plaintiff for whom the appropriate discovery has not been produced. If the circumstances warrant it, I will also consider whether the current Plaintiffs' liaison counsel remain an appropriate choice for that function.

SO ORDERED.

Dated: December 22, 2010  
New York, New York

  
ALVIN K. HELLERSTEIN  
United States District Judge